

REMARKS

By way of this Amendment, withdrawn claims 40-44 have been canceled, without prejudice to Applicants' right to file a divisional application directed to the subject matter of these claims.

The Office Action dated October 13, 2006, states that a complete reply must include a cancellation of the withdrawn claims. However, it is to be noted that claims 6-12, 27 and 29 were withdrawn as a result of an election of species, not a restriction. These claims all depend from generic claims that are currently pending in the application and that have been examined. Thus, if the pending generic claims are ultimately found to be allowable, Applicants are entitled to maintain claims 6-12, 27 and 29, pursuant to 37 C.F.R. §1.141(a). See the Office Action dated October 1, 2001 (page 3). With respect to withdrawn claims 45 and 46, a Petition to withdraw the restriction requirement under 37 C.F.R. §1.144 is being submitted concurrently herewith.

In the Office Action, the rejections of claims 1, 2 and 14-23 on the basis of the Fidalgo patent were maintained, for the reasons set forth in the Office Action dated April 27, 2006. In responding to that Office Action, Applicants pointed out that the Fidalgo patent does not disclose a pair of connection pads "that are both disposed on a common side of said antenna turns", as recited in claim 1. In reply to this argument, the most recent Office Action refers to Figure 3 of the Fidalgo patent, and states that the antenna turns 5 and pads (terminals) 15 "are being formed on the same side of the substrate which is readable as common side of the antenna". It is respectfully submitted that the fact that the terminals and the antenna turns are disposed on the same side of the *substrate* has nothing to do with the claimed

subject matter. Claim 1 recites that the connection pads are both disposed on a common side of the antenna *turns*. Referring to Figure 3, cited in the Office Action, it can be seen that the two terminals 15 are respectively located on opposite sides of the antenna turns 5. Specifically, the two terminals 15 straddle the antenna turns, as also shown in the top view of Figure 2, rather than being disposed on the same side of the antenna turns.

It is respectfully submitted that the Office Action is attempting to equate two totally disparate concepts in an effort to make the rejection. The substrate is a planar structure, and it is common practice to form the terminals and the antenna on the same face of such a structure. In contrast, the antenna *turns* define a spiral structure. There is no disclosure in the Fidalgo patent that the two terminals 15 should be located on the same side of such a spiral structure. Rather, the Fidalgo patent exemplifies the prior art arrangement in which the two terminals are respectively located on opposite sides of the antenna turns, namely one terminal at the interior of the spiral, and the other terminal at the exterior of the spiral.

It is respectfully submitted that the prior art does not support the interpretation set forth in the Office Action, namely that the "same side of the substrate" means the same thing as "common side of the antenna". Two different structures are denoted by these respective statements, and a person of ordinary skill in the art would not equate one with the other. For at least these reasons, therefore, it is respectfully submitted that the Fidalgo patent does not anticipate the subject matter of claims 1, 2 and 14, nor otherwise render the subject matter of claims 15-23 unpatentable.

In addition to the foregoing distinction, Applicants' previous response also identified a number of other distinctions. For example, page 2 of the response

discussed the recitation that at least one of the ends of the antenna is connected to a respective one of the connection pads "by means of an insulating bridge disposed on a surface of said turns that is away from said support sheet." The bonding layer 6 of the Fidalgo patent does not perform such a function. The final Office Action does not address Applicants' argument regarding this feature.

In addition, Applicants discussed features recited in claims 2, 14 and 15-23 that are not disclosed in the reference. The final Office Action does not address any of these arguments. As set forth in MPEP §707.07(f), "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument *and answer the substance of it.*" (emphasis added). It is respectfully submitted that the final Office Action fails to meet this requirement, since it does not address the substance of any of the arguments that Applicants presented in connection with claims 2 and 14-23, nor the second argument presented in connection with claim 1. If the rejections of these claims are not withdrawn, it is respectfully submitted that Applicants are entitled to a new Office Action that complies with the requirements of the MPEP, and addresses the substance of each of the arguments presented by the Applicants.

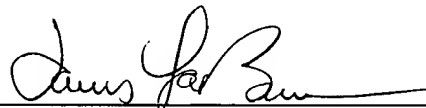
For the reasons presented herein, as well as in Applicants' previous response, it is respectfully submitted that all pending claims are patentably distinct from the Fidalgo patent. Reconsideration and withdrawal of the rejections is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 16, 2007

By:



James A. LaBarre

Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620